

**Indian Child Welfare Act (ICWA) Workgroup
Meeting Minutes ~ May 16, 2008
California Department of Social Services
744 P Street, Room 1054, Sacramento, CA**

WELCOME, OPENING REMARKS AND INTRODUCTIONS

Percy Tejada chaired the meeting.

- **STATE ANNUAL ICWA CONFERENCE:** Matthew West reported on the major points for the upcoming ICWA conference scheduled for June 9-11, 2008, in Visalia, California. First day speakers will include Terry Cross (Executive Director for NICWA) and the Honorable Abby Abinanti (San Francisco Superior Court Commissioner). Group processes in the afternoon of the first day; judicial officers and court personnel will be present. Second day will be about cultural competency. The Casey Family Foundation will be present, and Soboba will do a presentation on the history of customary adoption. Best practices will also be presented. Conference flyer contained erroneous phone number, and correction was given to the group for conference contact person. Tax ID number was also given for county staff to use that need to provide this for their administrative purposes.
- **PERMANENCY FOR INDIAN CHILDREN/YOUTH, AB 2736 AND CUSTOMARY ADOPTION:** Kimberly Cluff and Nancy Currie reported on the status of AB 2736. Also, discussed the need for this bill to allow for families to receive federal Adoptions Assistance Program (AAP) funding, which is a more flexible type of funding stream than that of "guardianship".
- **AOC UPDATE:** The AOC distributed handouts regarding the ICWA Initiative and one entitled, "Why Is Notice Under the ICWA So Hard to Get Right?" Jennifer Walter reported on the recent educational offerings, website update and job aids.
- **PRESENTATION REGARDING DATA ON INDIAN CHILDREN IN THE CWS/CMS SYSTEM:** Joe Magruder, MSW, Ph.D. candidate from the University of California at Berkeley, Center for Social Services Research (CSSR), gave a presentation regarding data on Native American and Alaskan Native children in the California child welfare system. Joe began by summarizing how ethnicity is treated by CWS/CMS:

Although CWS/CMS collects data regarding multiple ethnicities, as does the census, only the ethnicity presented as the primary ethnicity is used in most reports based on CWS/CMS data. Furthermore, if a child is identified as Hispanic, the child is reported as Hispanic. In 2000, census and vital statistics reporting of ethnicity changed to allow a mixed race category. As a result, many children who previously had been reported as Indian children are now reported as children of mixed race on the census and in birth records. Because of this, comparison of CWS/CMS data on Indian children with census and vital statistics data on these children is problematic. Because children eligible for ICWA often are (also) Hispanic, or have a primary ethnicity other than Indian, the counts of Indian children do not match the number of ICWA children. Although data are collected on children's ICWA status, these data are not presently reported. In addition, there are questions regarding the completeness of ICWA data entry in CWS/CMS. In other words, CWS/CMS does collect data on multiple ethnicities, but we haven't begun to use that data, nor have we modified the presentation of CWS/CMS data to match the census.

Carol White Mountain pointed out that data for kids in San Francisco County is not accurate for various reasons, including misclassification of tribal ancestry. A question was asked regarding who the state is designating as being Native American. This is a major issue with tribes, and Joe Magruder agreed that this is a major problem as far as who is included as being Native American for purposes of data reporting in CWS/CMS. A major caveat: CWS/CMS mimics the census. The census has two axes regarding ethnicity: 1) Are you Hispanic or not? and 2) What is your race? It doesn't consider the child's ICWA status or secondary ethnicities. For purposes of the classification of data, a child cannot be bi-racial in CWS/CMS. Primary ethnicity is used, and some ethnicities outweigh others. For example, Hispanic will outweigh Native American, but if someone identifies himself with being more African American than Native American, the Native American side would then triumph depending on how the social worker enters it in the system. For Native Americans, comparison with census and vital statistics data is problematic. The CSSR website does not report on children eligible for ICWA. On the CSSR website, a Native American or Alaskan Native child has primary ethnicity of Native American or Alaskan Native as long as they are NOT Hispanic. Otherwise, their Hispanic ethnicity would cancel out the others. To add to the confusion, census and vital statistics made major changes in the year 2000. Namely, census and vital statistics data collection was revised to allow people to report multiple races. For small groups (e.g., Native Americans), the effect was/is greatest.

Percy conveyed the willingness and desire among most of the tribes that he has spoken with regarding setting up a workgroup that would be able to look at remedies to help tribes and CDSS look at defining a better way to collect this type of data since we know the numbers in CWS/CMS and the CSSR website do not accurately reflect Native American children in the child welfare system.

- **NEXT MEETING: JULY 18, 2008 HOSTED BY THE DRY CREEK RANCHERIA OF POMO INDIANS ~ HEALDSBURG, CA**

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Percy recommended for next or future meetings that a representative talk about foster care licensing, foster care family recruitment, and defining the criteria for foster care placements. Teresa Contreras suggested that we schedule that for the September meeting since more CDSS staff will be available for that meeting in Sacramento.

- **MEETING ADJOURNED**